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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,594	12/31/2003	Richard J. Roberts	CMJ-112-A	8529

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EXAMINER
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BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/749,594	Applicant(s) ROBERTS, RICHARD J.	
	Examiner Shay L. Balsis	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/31/03</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

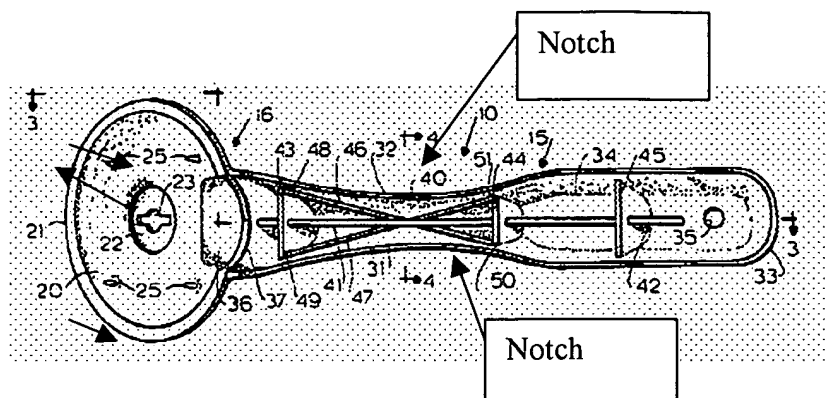
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-11, 16-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Silver (USPN 4244075).

Silver teaches an apparatus comprising a single, unitary planar body with a first enlarged end (15), an elongated middle portion (10) and a second enlarged end (16). There are at least two hand-grip portions (31, 21) formed on the body, wherein both hand-grip portions are formed along an outer peripheral edge of the enlarged ends. There are a plurality of ribs (41, 43, 44, 45, 46, 47) integrally formed on the body for stiffening the body. The ribs are located along the outer peripheral edges of the body and extend transversely along the body between peripheral edges. The ribs extend transversely across a surface of the middle portion from a notch formed along one side to another notch formed along an opposite side in a zig-zag pattern. There are a plurality of notches are formed in longitudinal sides of the middle portion spaced longitudinally from one another along the longitudinal length of the middle portion of the body and extending inwardly toward one another. See figure below. The body is formed from injection molding.

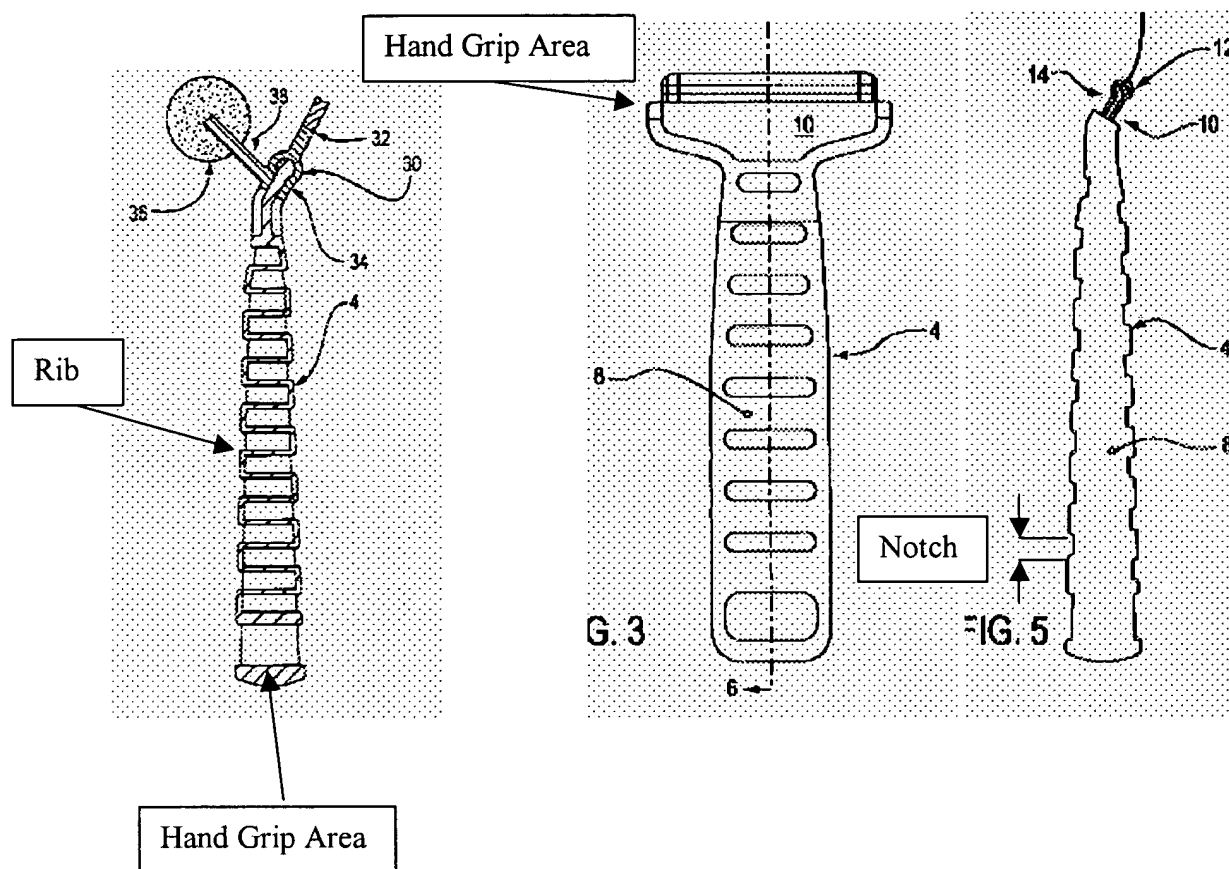


Claims 1-3, 5-6, 8-13, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gringer (USPN 5809605).

Gringer teaches an apparatus comprising a single, unitary planar body with a first enlarged end (see figure below), an elongated middle portion (4) and a second enlarged end (10). There are at least two hand-grip portions (see figure below) formed on the body, wherein both hand-grip portions (see figure below) are formed along an outer peripheral edge of the enlarged ends of the body. For claim 6 and 19, there is a squeegee (32) formed on a second enlarged end. With regards to claim 2 and 12, there is a soft material cleaning cover (36), such as a sponge, engageable with a first enlarged end. There is a means for gripping the cleaning cover (12). Since the first and second enlarged ends (the squeegee and the soft material) are not claimed in combination with each other, it is possible that the end with the squeegee and the cleaning cover are located on the same end to meet claims 2, 6, 12 and 19. There are a plurality of ribs (see figure below) integrally formed on the body for stiffening the body. The ribs are located along the outer peripheral edges of the body and extend transversely along the body between peripheral edges. The ribs extend transversely across a surface of the middle portion from a notch formed along one side to another notch formed along an opposite side in a zig-zag pattern. There are a

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plurality of notches are formed in opposite sides of the middle portion spaced longitudinally from one another along the longitudinal length of the middle portion of the body and extending inwardly toward one another. See figure below. The body is formed from injection molding.



Claims 11-13, 15, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks (USPN 6601264).

Hendricks teaches an apparatus comprising a single, unitary planar body with a first enlarged end (22), an elongated middle portion (12) and a second enlarged end (16). There are at least two hand-grip portions (24, 21) formed on the body, wherein both hand-grip portions are formed along an outer peripheral edge of the enlarged ends of the body. There is a replaceable

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soft material cleaning mitt (14) engageable on the first enlarged end. There is a means for gripping the mitt and attaching it to the first end. The apparatus is formed from injection molding.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (D471684) in view of Silver.

Roberts teaches an apparatus comprising a single, unitary planar body with a first enlarged end, an elongated middle portion and a second enlarged end. There are at least two hand-grip portions formed on the body, wherein both hand-grip portions are formed along an outer peripheral edge of the enlarged ends of the body. There is a soft material cleaning cover, such as a cleaning mitt, engageable with a first enlarged end (description, line 3). There is a means for gripping the cleaning cover (figure 2). The gripping means comprises a plurality of hooks formed on the first enlarged end adjacent the transition between a longitudinally extending side and an inner end of the enlarged end portion for engagement with the cleaning cover. There are a plurality of notches are formed in opposite sides of the middle portion spaced longitudinally from one another along the longitudinal length of the middle portion of the body and extending inwardly toward one another. There is a squeegee portion integrally formed on the second end (description, lines 3-4). The body is formed from injection molding. Roberts

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teaches all the essential elements of the claimed invention however fails to teach a plurality of ribs integrally formed on the body for stiffening the body. Silver teaches a handle with a plurality of strengthening ribs (41, 43, 44, 45, 46, 47) located on the body extending from one side of the body to the opposite side of the body in a zig-zag pattern. It would have been obvious to modify Roberts invention so that it comprises strengthening ribs as taught by Silver so that the handle will be able to withstand considerable force in several directions, therefore making the handle many times stronger than before (col. 3, lines 35-47).

Claims 1-3, 5, 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Silver. Additionally, claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, as applied to claim 11 above, in view of Silver.

Hendricks teaches all the essential elements of the claimed invention as stated above however fail to teach a plurality of ribs integrally formed on the body for stiffening the body. Silver teaches a handle with a plurality of strengthening ribs (41, 43, 44, 45, 46, 47) located on the body extending from one side of the body to the opposite side of the body in a zig-zag pattern. It would have been obvious to modify Hendricks invention so that it comprises strengthening ribs as taught by Silver so that the handle will be able to withstand considerable force in several directions, therefore making the handle many times stronger than before (col. 3, lines 35-47).

Claims 11-13, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon (USPN 1790466).

Gordon teaches an apparatus comprising a planar body with a first enlarged end (2), an elongated middle portion (1) and a second enlarged end (5). There are at least two hand-grip

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portions (2, 5) formed on the body, wherein both hand-grip portions are formed along an outer peripheral edge of the enlarged ends of the body. There is a replaceable soft material cleaning mitt (4) engageable on the first enlarged end. There is a means for gripping the mitt and attaching it to the first end. There is a squeegee (6) formed on the second enlarged end. Gordon teaches all the essential elements of the claimed invention however fails to teach that the body and the enlarged ends are unitary. It would have been obvious to make the enlarged ends and the middle portion unitary since making elements integral is a modification that has been considered to be within the level of ordinary skill in the art. *In re Larson*. 144 USPQ 347, 349. MPEP 2144.04.

Claims 1-3, 5-6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Silver. Additionally, claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon, as applied to claim 11 above, in view of Silver.

Gordon teaches all the essential elements of the claimed invention as stated above however fail to teach a plurality of ribs integrally formed on the body for stiffening the body. Silver teaches a handle with a plurality of strengthening ribs (41, 43, 44, 45, 46, 47) located on the body extending from one side of the body to the opposite side of the body in a zig-zag pattern. It would have been obvious to modify Gordon's invention so that it comprises strengthening ribs as taught by Silver so that the handle will be able to withstand considerable force in several directions, therefore making the handle many times stronger than before (col. 3, lines 35-47).

With regards to the unitary limitation in claim 1, Gordon fails to teach that the body and the enlarged ends are unitary. However, it would have been obvious to make the enlarged ends



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and the middle portion unitary since making elements integral is a modification that has been considered to be within the level of ordinary skill in the art. *In re Larson*. 144 USPQ 347, 349. MPEP 2144.04.

Claims 11-13, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland (USPN 2649600)

Loveland teaches an apparatus comprising a single, unitary planar body with a first enlarged end (14), an elongated middle portion (10) and a second enlarged end (18). There are at least two hand-grip portions (one end of the apparatus could be held while operating the other end of the apparatus and vice versa) formed on the body, wherein both hand-grip portions are formed along an outer peripheral edge of the enlarged ends of the body. There is a replaceable soft material cleaning mitt (15) engageable on the first enlarged end. There is a squeegee portion (17) formed on the second enlarged end. There is a means for gripping the mitt and attaching it to the first end. Loveland teaches all the essential elements of the claimed invention however fails to teach that the body and the enlarged ends are unitary. It would have been obvious to make the enlarged ends and the middle portion unitary since making elements integral is a modification that has been considered to be within the level of ordinary skill in the art. *In re Larson*. 144 USPQ 347, 349. MPEP 2144.04.

Claims 1-3, 5-6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland in view of Silver. Additionally, claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland, as applied to claim 11 above, in view of Silver.

Loveland teaches all the essential elements of the claimed invention as stated above however fail to teach a plurality of ribs integrally formed on the body for stiffening the body.

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Silver teaches a handle with a plurality of strengthening ribs (41, 43, 44, 45, 46, 47) located on the body extending from one side of the body to the opposite side of the body in a zig-zag pattern. It would have been obvious to modify Lovelands's invention so that it comprises strengthening ribs as taught by Silver so that the handle will be able to withstand considerable force in several directions, therefore making the handle many times stronger than before (col. 3, lines 35-47).

With regards to the unitary limitation in claim 1, Loveland fails to teach that the body and the enlarged ends are unitary. However, it would have been obvious to make the enlarged ends and the middle portion unitary since making elements integral is a modification that has been considered to be within the level of ordinary skill in the art. *In re Larson*. 144 USPQ 347, 349. MPEP 2144.04.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Silver or Hendricks in view of Silver or Gordon in view Silver or Loveland in view of Silver all further in view of Janssen (USPN 4856136).

Roberts in view of Silver or Hendricks in view of Silver or Gordon in view Silver or Loveland in view of Silver all teach the essential elements of the claimed invention however fail to teach that the means for gripping the soft cover includes hooks. Janssen teaches a handle with an enlarged end. A sponge fits of the enlarged end and is secured by hooks (24). It would have been obvious to one of ordinary skill in the art the time the invention was made to use hooks on the enlarged end of Roberts in view of Silver or Hendricks in view of Silver or Gordon in view Silver or Loveland in view of Silver's invention so that the sponge is properly secured to the end and will not move or fall off during use.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks or Gordon or Loveland all further in view of Janssen (USPN 4856136).

Hendricks or Gordon or Loveland all teach the essential elements of the claimed invention however fail to teach that the means for gripping the soft cover includes hooks. Janssen teaches a handle with an enlarged end. A sponge fits of the enlarged end and is secured by hooks (24). It would have been obvious to one of ordinary skill in the art the time the invention was made to use hooks on the enlarged end of Hendricks or Gordon or Loveland's invention so that the sponge is properly secured to the end and will not move or fall off during use.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view Silver and Janssen or Loveland in view of Silver and Janssen (USPN 4856136).

Gordon or Loveland teach all the essential elements of the claimed invention however fail to teach a unitary body member, a gripping means for gripping the soft cover including hooks and a plurality of ribs formed on the body. Additionally, the references fail to teach that the apparatuses are formed by injection molding.

With regards to the unitary limitation, it would have been obvious to make the enlarged ends and the middle portion unitary since making elements integral is a modification that has been considered to be within the level of ordinary skill in the art. *In re Larson*, 144 USPQ 347, 349. MPEP 2144.04.

With regards to the gripping means for attaching a cleaning member, Janssen teaches a handle with an enlarged end. A sponge fits of the enlarged end and is secured by hooks (24). It would have been obvious to one of ordinary skill in the art the time the invention was made to

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use hooks on the enlarged end of the references invention so that the sponge is properly secured to the end and will not move or fall off during use.

With regards to the stiffening ribs and the injection molding, Silver teaches an apparatus comprising a plurality of ribs (41, 43, 44, 45, 46, 47) integrally formed on the body for stiffening the body. The ribs are located along the outer peripheral edges of the body and extend transversely along the body between peripheral edges. The ribs extend transversely across a surface of the middle portion from a notch formed along one side to another notch formed along an opposite side in a zig-zag pattern. The notches are formed in opposite sides of the middle portion spaced longitudinally from one another along the longitudinal length of the middle portion of the body and extending inwardly toward one another. The handle and the ribs are made from an injection molded material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the ribs as taught by Silver on the references invention so as to eliminate unnecessary bending of the handle while in use. Bending of the handle could lead to small stress fractures that after time could cause the handle to break. The ribs would help to strengthen the handle, increasing the lifetime of the apparatus (col. 3, lines 35-47).

### ***Response to Arguments***

Applicant's arguments filed 7/18/05 have been fully considered but they are not persuasive.

Applicant argues that the cited references fail to teach a hand-grip portion located on the enlarged ends of the body. A hand-grip portion is anything that can be grasped by a user's hand. Therefore, the enlarged ends of Silver, Gringer, Hendricks and Loveland all can be gripped by a

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user's hand. Applicant does not claim any structural limitations of the hand-grip and therefore the any part of the peripheral surface of the enlarged ends could be considered a hand-grip.

With regards to applicant's arguments that Silver does not teach a plurality of notches along the middle portion, the examiner respectfully disagrees. There is a notch located on both sides of the middle portion, therefore there are two notches, which qualifies as a plurality of notches since there is more than one.

With regards to the applicant's arguments that the inventions of Gordon and Loveland are not made from a single, unitary body is correct. However, making parts or elements integral is an obvious modification and therefore, the rejections have been modified to show this.

In response to applicant's argument that Janssen is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Janssen is reasonably pertinent to the particular problem with which the applicant was concerned. The problem was having a gripping means located on an enlarged end of the body to securely hold a cleaning member thereto. Janssen teaches a handle member with an enlarged end with a gripping means for securing a pad thereto. Therefore, the means for gripping or securing was the problem to be solved.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In this amendment, the limitations from claim 7 were added to claim 1, this raises new issues and required further consideration since for example, claim 2 was never considered

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with the limitations of claim 7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
9/16/05



MARK SPISICH  
PRIMARY EXAMINER  
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1700